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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SHANE JOSEPH GEESEY,

12 Plaintiff,

13 v.

14 CAROLYN W. COLVIN, Acting
15 Commissioner of the Social Security
16 Administration,¹

17 Defendant.

18 CASE NO. 12-cv-05851 RBL

19 REPORT AND RECOMMENDATION
20 ON STIPULATED MOTION FOR
21 REMAND

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23 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
24 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*,
25 *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on
26 defendant's stipulated motion to remand the matter to the administration for further
27 consideration. (ECF No. 23.)

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30 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February
31 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is
32 substituted for Michael J. Astrue as the defendant in this suit.

1 After reviewing defendant's stipulated motion and the relevant record, the undersigned
2 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
3 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

4 On remand, based on the parties' stipulation, this Court recommends that the Administrative
5 Law Judge (ALJ) hold a *de novo* hearing. The ALJ should also:

- 6 1. update the medical record as necessary;
- 7 2. evaluate plaintiff's disability rating from the Department of Veterans Affairs and the
8 accompanying medical evidence, explaining the weight given to this evidence;
- 9 3. articulate the weight given to the medical opinions of record; and
- 10 4. consider any new evidence submitted and continue the sequential evaluation process,
11 obtaining vocational expert testimony, if necessary.

12 This Court further recommends that the ALJ take any other actions necessary to develop
13 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
14 to the ALJ on remand.

15 This Court will consider plaintiff's application for costs and attorney's fees pursuant to the
16 Equal Access to Justice Act, 28 U.S.C. § 2412(d), and 42 U.S.C. § 406(b), following proper
17 presentation to the Court.

18 Given the facts and the parties' stipulation, the Court recommends that the District Judge
19 immediately approve this Report and Recommendation and order the case be **REVERSED** and
20 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

21 Dated this 15th day of March, 2013.

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24 J. Richard Creatura
United States Magistrate Judge